



PATENT  
Customer No. 22,852  
Attorney Docket No. 03063.0398-01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Hao A. Chen et al. ) Group Art Unit: 1774  
Application No.: 09/930,705 ) Examiner: Thompson, Camie S.  
Filed: June 29, 2001 )  
For: SURFACE COVERINGS ) Confirmation No.: 3770  
CONTAINING ALUMINUM OXIDE )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**TERMINAL DISCLAIMER**

Assignee, Mannington Mills of Delaware, Inc., duly organized under the laws of Delaware and having its principal place of business at P.O. Box 30, Salem, New Jersey 08079, represents that it is the assignee of the entire right, title and interest in and to the above-identified application, Application No. 09/930,705, filed June 29, 2001, for SURFACE COVERINGS CONTAINING ALUMINUM OXIDE in the names of Hao A. Chen and Isaac B. Rufus, as indicated by the assignment duly recorded in the United States Patent and Trademark Office on December 13, 2001, at Reel 012365, Frame 0154, which was previously assigned to Mannington Mills, Inc., in U.S. Application No. 08/956,022, now U.S. Patent No. 6,291,078, as evidenced by the assignment filed in the United States Patent and Trademark Office on October 22, 1997, at Reel 8864,

Frame 0561. The above-identified application, Application No. 09/930,705 is a continuation of U.S. Application No. 08/956,022, now U.S. Patent No. 6,291,078.

Assignee, Mannington Mills of Delaware, Inc., further represents that it is the assignee of the entire right, title and interest in and to U.S. Patent No. 6,218,001, as indicated by the assignment duly recorded in the United States Patent and Trademark Office on December 13, 2001, at Reel 012365, Frame 0154, which was original assigned to Mannington Mill, Inc., as evidenced by the assignment duly recorded in the United States Patent and Trademark Office on May 12, 1998, at Reel 09165, Frame 0570.

To obviate a double patenting rejection, assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent Nos. 6,218,001 and 6,291,078, Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patents, as presently shortened by any terminal disclaimer, in the event that the prior

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patents later expire for failure to pay a maintenance fee, are held unenforceable, are found invalid by a court of competent jurisdiction, are statutorily disclaimed in whole or in part, are terminally disclaimed under 37 C.F.R. § 1.321, have all claims canceled by a reexamination certificate, are reissued, or are in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to Deposit Account 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account 06-0916

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: November 14, 2007

By:



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